

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID ALLEN McQUEEN,

Defendant.

CR 10-01-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on October 3, 2016. Defendant admitted that he had violated the conditions of his supervised release by failing to complete sex offender treatment, by possessing pornography, by possessing Internet-capable devices, and by having an unauthorized sexual relationship with a resident at the Great Falls Transition Center. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of three months, with 57 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings

and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated his supervised release conditions. Defendant could be incarcerated for up to 24 months, followed by a term of supervised release of life. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of three months in custody, followed by 57 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 45) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 26th day of October, 2016.



---

Brian Morris  
United States District Court Judge